

## **REMARKS**

This is a full and timely response to the non-final Office Action of July 16, 2003.

Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this First Response, claims 1-30 are pending in this application. Claims 1-24 are rejected and claims 1, 11, and 12 have been directly amended herein. Claim 18 is cancelled without prejudice or disclaimer, and claims 25-30 are newly added. It is believed that the foregoing amendments add no new matter to the present application.

### **Response to §102 Rejections**

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

### **Claim 1**

Claim 1 presently stands rejected under 35 U.S.C. §102 as allegedly anticipated by *Kaplan*.

Claim 1 reads as follows:

1. (Currently Amended) A system for securely transmitting data messages, comprising:
  - a first computer configured to transmit a data message, said data message having a header and a data portion, said first computer configured to encrypt said data portion via a first encryption technique and to encrypt said header via a second encryption technique, said first computer further configured to include information associated with said first encryption technique in said header; and
  - a second computer configured to receive said first data message and to decrypt said header, said second computer further configured to decrypt said data portion***

***based on said information included in said header.***  
(Emphasis added).

Applicant respectfully submits that *Kaplan* fails to disclose at least the features of claim 1 highlighted hereinabove.

In this regard, *Kaplan* appears to disclose a receiving computer, the “UPC,” which receives a “digital package.” It appears that the digital package comprises encrypted part(s) and corresponding “key records,” which store encrypted document keys corresponding to the encrypted part(s). See *Kaplan*, page 3, block diagram; page 3, paragraph 2 and 3.

It further appears in *Kaplan* that in order to decrypt the encrypted part(s), the user transmits the key records to a second computer, the “RCC,” and the second computer “translates the document keys ...by decrypting the key records...and re-encrypting the document keys under [a] public key.” See *Kaplan*, page 7, paragraph 5 of “*Buying a Cryptolope*.” This translated information is repackaged into another digital package, the “license cryptolope,” and sent to the UPC. The UPC then uses the information to decrypt the encrypted part(s). See *Kaplan*, page 7, paragraph 8 of “*Buying a Cryptolope*.” Thus, the “key records” and the encrypted part(s) do not appear to be decrypted by the same computer both rather appear to be decrypted by the second computer and the UPC, respectively.

Accordingly, it does not appear that *Kaplan* discloses “a second computer” configured to decrypt both a “header” ***and*** a “data portion” of the same “data message,” as claimed in claim 1. Therefore, Applicant respectfully traverses the Office Action assertion that *Kaplan* anticipates each feature of pending claim 1 and requests that the §102 rejection of claim 1 be withdrawn.

### Claims 2-10 and 25-29

Claims 2-4 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly anticipated by *Kaplan*, and claims 5, 7, and 8 presently stand rejected under 35 U.S.C. §103(a) over *Kaplan* in view of *Xiao*. Further, claim 6 presently stands rejected under 35 U.S.C. §103(a) over *Kaplan* in view of *Xiao* and in further view of *Schneier*, and claim 9 presently stands rejected under 35 U.S.C. §103(a) over *Kaplan* in view of *Leppek*. In addition, claims 25-29 are newly added. Applicant submits that pending dependent claims 2-10 and 25-29 contain all features of their respective independent claim 1. Since claim 1 should be allowed, as argued hereinabove, pending dependent claims 2-10 and 25-29 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### Claim 11

Claim 11 presently stands rejected under 35 U.S.C. §102 as allegedly anticipated by *Kaplan*. Amended claim 11 reads as follows:

11. (Currently Amended) A system for transmitting messages, comprising:  
    means for defining a data portion of a data message;  
    means for encrypting said data portion via a first encryption technique;  
    means for defining a header of said data message, said header including information associated with said first encryption technique;  
    means for encrypting said header via a second encryption technique;  
    means for transmitting said message;  
    ***means for receiving said message at a client that is remotely located from said transmitting means;***  
    ***means for decrypting said header at said client; and***  
    ***means for decrypting said data portion at said client based on said information in said header associated with said first encryption technique.*** (Emphasis added)

Applicant asserts that *Kaplan* fails to anticipate at least the feature of claim 11 highlighted above for those reasons argued with respect to claim 1. Accordingly, Applicant respectfully requests allowance that the §102 rejection of claim 11 be withdrawn.

### **Claim 12**

Claim 12 presently stands rejected under 35 U.S.C. §102 as allegedly anticipated by *Kaplan*. Amended claim 12 reads as follows:

12. (Currently Amended) A method for transmitting messages, comprising the steps of:  
    defining a data portion of a first data message;  
    encrypting said data portion of said first data message via a first encryption technique;  
    defining a header of said first data message, said header of said first data message including information associated with said first encryption technique;  
    encrypting said header of said first data message via a second encryption technique;  
    transmitting said first data message subsequent to said encrypting steps;  
    receiving said first data message at a client that is remotely located from said transmitting means;  
    decrypting said header at said client;  
    decrypting said data portion at said client based on said information in said header associated with said first encryption technique.

Applicant asserts that *Kaplan* fails to anticipate at least the feature of claim 12 highlighted above for those reasons argued with respect to claim 1. Accordingly, Applicant respectfully requests allowance that the §102 rejection of claim 12 be withdrawn.

### **Claims 13-24**

Claim 13 presently stands rejected under 35 U.S.C. §103 as being unpatentable over *Kaplan* in view of *Leppek*, and claims 14-19 stand rejected under 35 U.S.C. §102 as allegedly anticipated by *Kaplan*. Further, claim 20 stands rejected under 35 U.S.C. §103 over *Kaplan* in view of *Xiao*, and claim 21 stands rejected under 35 U.S.C. §103 over *Kaplan* in view of *Xiao* and further in view of *Schneier*. Also, claims 22-24 stand rejected under 35 U.S.C. §103 over *Kaplan* in view of *Leppek*. Applicant submits that pending dependent claims 13-24 contain all features of their respective independent claim 12. Since claim 12 should be allowed, as argued hereinabove, pending dependent claims 13-24 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### **Claim 30**

Claim 30 has been newly added via amendments set forth herein. Newly added claim 30 reads as follows:

30. (New) A method for securely communicating data messages, comprising the steps of:  
receiving at a client a data packet transmitted from a server that is remotely located from said client, said data packet having a first portion encrypted via a first encryption technique and said data packet having a second portion encrypted via a second encryption technique, said second portion comprising information associated with said first encryption technique;  
decrypting, at said client, said second portion to recover said information; and  
decrypting, at said client, said first portion based on said information.

Applicant asserts that *Kaplan* fails to anticipate at least the feature of claim 30 highlighted above for those reasons argued with respect to claim 1. Accordingly, Applicant respectfully requests allowance of claim 30 in its present form.

**CONCLUSION**

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted ,

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